

**REMARKS**

Claims 29, 30, 32-34, 36-38, 41-43, 45-53, 55-62, 66 and 68 are pending and under examination in the present case. By the present communication, claim 41 has been canceled without prejudice and preserving applicant's right to pursue the canceled subject matter in a continuing application, and claims 42 and 45 have been amended. Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Upon entry of the present amendment, claims 29, 30, 32-34, 36-38, 42, 43, 45-53, 55-62, 66 and 68 will be pending, with claims 49-53 and 55-61 having been withdrawn.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 42 and 45-47 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Specifically, claims 42 and 45 are indefinite because of allegedly depending from cancelled claim 35. Applicants respectfully traverse the rejection. However, to expedite issuance of the present application and reduce the issues, Applicants have amended claims 42 and 45 to correct their dependency, thereby rendering definite claims 42 and 45 (as well as claims 46 and 47 dependent therefrom). Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

**Rejection Under 35 U.S.C. § 112, First Paragraph**

Claim 41 stands rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described by the disclosure in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Applicants respectfully traverse the rejection. However, to expedite issuance of the present application and reduce the issues, Applicants have canceled claim 41 without prejudice and preserving applicants' right to pursue the canceled subject matter in a continuing application.

In re Application of:  
Peltonen et al.  
Application No.: 09/509,595  
Filed: July 5, 2000  
Page 8

PATENT  
Attorney Docket No.: VOSS1130

Accordingly, Applicants respectfully request withdrawal of the rejection under  
35 U.S.C. § 112, first paragraph.

In view of the above amendments and remarks, reconsideration and favorable action on all claims under consideration is respectfully requested. Should any questions remain in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Enclosed are Check No. 571839 in the amount of \$490.00 for the Petition for Three-Month Extension of Time fee and Check No. 571855 in the amount of \$170.00 for the Notice of Appeal Fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

Date: December 30, 2004



Lisa A. Haile, J.D., Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**CUSTOMER NUMBER 28213**